

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: Christopher D. Surges,

Debtor.

Case No. 16-27753
Judge: SVK
Chapter 13

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Debtor has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before **21 days** after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Kyle R. Knutson
Lombardo Law Office
10919 West Bluemound Road
Suite 200
Milwaukee, WI 53226

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Lombardo Law Office
10919 W. Bluemound Rd., Suite 200
Milwaukee, WI 53226
Tel: 414-543-3328
Fax: 414-543-0786

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 X the Debtor;
 the Chapter 13 Trustee (post-confirmation modifications only);
 the holder of an unsecured claim (Name:) (post-confirmation modifications only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
A. post-confirmation;
B. X pre-confirmation (Select i. or ii.);
 - i. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
 - ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: (*List creditors*)
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: Provide for payment of the secured claim of Ian Martin.
4. The reason(s) for the modification is/are: Debtor wishes to address the objection to confirmation and provide for payment of the secured claim of Ian Martin.
5. Select A. or B.
 - A. The Chapter 13 Plan confirmed or last modified on , is modified as follows: (*State the specific language of the modification.*)
 - B. The unconfirmed Chapter 13 Plan dated October 24, 2016, is modified as follows:

(1) Claims Secured by Real Property Which Debtor Intends to Retain.

- (i) [] If checked, the Debtor does not have any claims secured by real property that Debtor intends to retain. Skip to (C).

[X] If checked, the Debtor has claims secured by Real Property that Debtor intends to retain. Debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter, unless this Plan provides otherwise.

(a) Creditor	(b) Property description
Lakeview Loan Servicing, LLC (Cenlar FSB)	2643 N 73 rd Street, Wauwatosa, WI

(ii)

[X] If checked, the Debtor has an arrearage claim secured by Real Property that the Debtor will cure through the Plan. Trustee may pay each allowed arrearage claim the estimated monthly payment indicated in column (d) until paid in full.

(a) Creditor	(b) Property	(c) Estimated Arrearage Claim	(d) Estimated Monthly Payment	(e) Estimated Total Paid Through Plan
Lakeview Loan Servicing, LLC (Cenlar FSB)	2643 N 73 rd Street, Wauwatosa, WI	\$360.93	Pro Rata	\$360.93
Ian Martin	2643 N 73 rd Street, Wauwatosa, WI; Stock Pledge Agreement	\$33,582.69 @ 4.5% interest	Pro Rata	\$37,564.80
TOTALS		\$33,943.62	Pro Rata	\$37,925.73

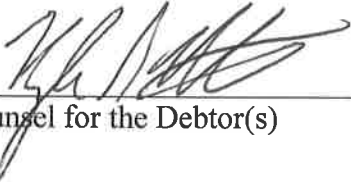
(2) Special Provisions. Ian Martin has a security interest in Debtor's home, as well as in Debtor's shares of JRSlim's, LLC. The Trustee shall pay the secured claim of Ian Martin of \$33,582.69 with interest at 4.5% per annum.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

I, Kyle R. Knutson, attorney for Debtor(s) Christopher Surges, certify that I have reviewed the modification proposed above with the Debtor(s), and that the Debtor(s) has/have authorized me to file it with the Court.



Counsel for the Debtor(s)



Date

WHEREFORE, the Proponent requests that the Court approve the modification to the Chapter 13 Plan as stated herein.

Dated November 16, 2016 at Wauwatosa, Wisconsin.

LOMBARDO LAW OFFICE
Attorneys for Christopher Surges

By: 

Attorney Kyle R. Knutson
State Bar No. 1056402
Lombardo Law Office
10919 West Bluemound Road
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Milwaukee, WI 53226
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CERTIFICATE OF SERVICE

The undersigned, Gabriella Michalec of Lombardo Law Office, does hereby certify that a copy of this Certificate of Service and a copy of the attached Notice and Request to Modify Chapter 13 Plan were mailed to the persons mentioned below, at their respective addresses, postage prepaid, by depositing them in the U.S. Mail at Wauwatosa, WI on November 16, 2016:

Christopher Surges
2643 N. 73rd St.
Milwaukee, WI 53213

Ian Martin
W151N7314 Paseo Lane
Menomonee Falls, WI 53051

The undersigned, Gabriella Michalec, further certifies that service of the above-referenced documents was made by ECF Notice of Electronic Filing to the following parties:

Mary B. Grossman, Chapter 13 Trustee
Office of the United States Trustee
Dayten P. Hanson, Attorney for Ian Martin

Dated this 16th day of November, 2016.

By: _____

Gabriella Michalec

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